

ENTERED

June 01, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

VS.

8.903 ACRES OF LAND, MORE OR
LESS, SITUATE IN STARR COUNTY,
TEXAS and JOHN F.J. GUERRA,

Defendants.

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CIVIL ACTION NO. 7:19-cv-00052

ORDER

The Court now considers the “Joint Motion for Continuance, or in the Alternative, to Forego an Evidentiary Hearing and Allow the Issue of Just Compensation to be Decided on Submitted Briefs.”¹

At the Court’s February 25, 2020, status conference, the Court set an evidentiary hearing on the issue of just compensation for April 21, 2020.² Upon a joint motion, the hearing was continued to June 5th.³ The parties now point out that the COVID-19 pandemic still presents a threat to the parties’ travel, so the parties “request the June 5, 2020 be continued for an appropriate period of time.”⁴ However, in the alternative, the parties request that the Court decide the issue on the briefs and that the Court set a schedule for filing simultaneous just compensation briefs,⁵ even though the parties have already filed briefs.⁶

¹ Dkt. No. 28.

² See Dkt. No. 25.

³ See Dkt. Nos. 26–27.

⁴ Dkt. No. 28 at 1–2, ¶¶ 3–6.

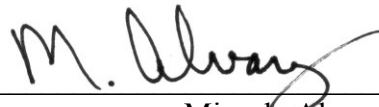
⁵ *Id.* at 2, ¶ 8.

⁶ Dkt. Nos. 23–24.

The Court takes judicial notice of the proclamations and orders of various authorities recognizing the COVID-19 pandemic and limiting travel and person-to-person contact.⁷ In light of the significant travel that the hearing would necessitate,⁸ the Court **GRANTS** the parties' request for submission by brief. Accordingly, the Court **ORDERS** the parties to each submit renewed briefs and any evidence to be considered no later than **July 1, 2020**.⁹

IT IS SO ORDERED.

DONE at McAllen, Texas, this 1st day of June 2020.



Micaela Alvarez
United States District Judge

⁷ See Proclamation No. 9994, 85 Fed. Reg. 15,337 (Mar. 13, 2020) (Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak); Tex. Exec. Order No. GA-23, 45 Tex. Reg. 3,549 (May 18, 2020) (Relating to the expanded opening of Texas in response to the COVID-19 disaster); Hidalgo Cty., Tex., *Amended Emergency Order Related to the Expanded Opening of Services in the County of Hidalgo, Texas During the Public Health Emergency (20-007)* (eff. May 22, 2020), <https://www.hidalgocounty.us/DocumentCenter/View/38308/Expanded-Opening-of-Services-20-007>; *In re Temporary Public Access Restrictions to the United States Courthouse McAllen Division Under the Exigent Circumstances Created by the COVID-19 Pandemic*, Gen. Order No. M-2020-3 (S.D. Tex. Apr. 3, 2020).

⁸ See Dkt. No. 28 at 2, ¶ 4 (travel from Massachusetts, Colorado, D.C., and elsewhere in Texas).

⁹ See *id.* at 2, ¶ 8 (“[T]he parties request submitting briefs that are simultaneously exchanged pursuant to a schedule set by the Court.”).